REMARKS

In response to the final office action of May 5, 2005, applicant asks that all claims be allowed in view of the amendment to the claims and the following remarks.

Claims 1, 26, 51 and 54-82 are currently pending, with claims 1, 26 and 51 being independent. Claims 51, 56, 68 and 79 have been amended. In particular, claim 51 has been amended to recite that the reference biological information is stored in the portable communication device, as is also recited in claim 26; claims 56 and 68 have been amended for clarity with respect to what information is transmitted; and claim 79 has been amended to correct its dependency. No new matter has been introduced. Support for the amended claims may be found in the application at, for example, page 4, line 21 to page 10, line 12.

Applicant believes that no new search is necessitated by the amendments since the subject matter added to the amended claims reflect features previously presented. More particularly, the amendment to independent claim 51 corresponds to subject matter recited in previously presented independent claim 26; the amendments to dependent claims 56 and 68 correspond to subject matter recited in previously presented claims 1 and 26; and the amendment to dependent claim 79 merely corrects the claim from which claim 79 depends.

The abstract has been amended in response to the objection. The amendment is believed to be in compliance with MPEP § 608.01(b).

Claims 56, 68 and 79 have been amended in response to the rejection under section 112, second paragraph. The amendments are believed to address all of the Examiner's concerns.

Each of claims 1, 26 and 51 is directed to a process (or an associated device) in which an individual is identified by using only a portable communication device by inputting the biological information of the user into the communication device and checking this biological information with reference biological information previously stored in the portable communication device. Then, only in the case where the checking has matched, authentication information is transmitted to a server or a connection from the portable communication device. Accordingly, data need not be exchanged between the user and the server (or the connection) for purposes of identifying an individual, and, as a result, costs associated with communication with

the server (or the connection) can be reduced, and any need to repeat the identification process from the beginning in the event of a communication error can be avoided.

Claims 1, 26, 51, 54-60 and 62-82 have been rejected as being anticipated by Li, U.S. Patent No. 6,219,793. Applicant requests reconsideration and withdrawal of this rejection because Li does not describe or suggest a portable communication device that stores reference biological information. Li describes a system and method for identifying an individual using biological information of the client provided by a fingerprint capturing module 101 that is connected to a mobile phone 102. More particularly, Li discloses using a fingerprint capturing device ("FCPD") to identify an individual using a portable communication device, where the fingerprint capturing device preferably is incorporated within a mobile telephone. See Li at col. 6, lines 54-66. The fingerprint capturing device captures a user's fingerprint information and generates a token based on the captured fingerprint information. See Li at col. 7, lines 40-46. Li's fingerprint capturing device also receives a fingerprint-based token from a central authentication system for comparison with the generated token as part of the identification process. See Li at col. 7, lines 52-55. See also Li at Fig. 3, element 309 (showing a process that conditionally branches based on result of comparison of the generated token with the token received from the central authentication system). Notably, in Li's system, a particular user's fingerprint data (corresponding to "the reference biological information" recited in claims 1, 26 and 51) is stored in a central authentication system and is not stored in the fingerprint capturing device or the mobile phone. See e.g., Li at Abstract (stating that the central authentication system contains information that associates each mobile identification number (MIN) with a particular user's fingerprint). As such, Li describes or suggests storing reference biological information outside of the portable communication device.

In contrast to this conclusion, the Office action contends that Li discloses a portable communication device storing reference biological information in element 404 of Figure 4 and in portions of columns 10 and 12. See Office action of May 5, 2005 at page 4, lines 16-19 (citing element 404 of Fig. 4 and col. 10, lines 57-65 and 12:20-27). Applicant respectfully disagrees.

In Figure 4, Li shows the fingerprint capturing device 101 having memory 404 and being connected to the mobile telephone 102. Li discloses generating a token based on the fingerprint of a user who is seeking to identify himself or herself and storing the token generated at the

fingerprint capturing device 101 in memory 404. See Li at col. 10, lines 56-61. The stored token most closely corresponds to the read biological information of the client, recited in claims 1, 26 and 51. Hence, in Figure 4 and the cited portion of column 10, Li discloses storing the read biological information in the fingerprint capturing device 101.

In the cited portion of column 12, Li discloses that the memory 404 of the fingerprint capturing device 101 includes a software program 405, which contains program codes for fingerprint image processing and matching. See Li at col. 12, lines 21-25. Li indicates that the software program 405 may include code for receiving a fingerprint-based token from a central authentication system and comparing the received fingerprint-based token with the generated token as part of the identification process. See, e.g., Li at col. 7, lines 52-55 and Fig. 3, element 309. However, Li does not describe or suggest a software program that includes functionality for storing reference biological information in the memory 404 of the fingerprint capturing device 101. Therefore, Li does not describe or suggest storing reference biological information in the portal communication device, as recited in independent claims 1, 26 and 51.

For at least these reasons, applicant requests reconsideration and withdrawal of the rejection of independent claims 1, 26 and 51, and claims 54-60 and 62-82, which depend directly or indirectly from one of claims 1, 26 and 51.

Claim 61 has been rejected as being unpatentable over Li in view of Osborn, U.S. Patent No. 6,026,293. Applicant requests reconsideration and withdrawal of the rejection of claim 61 because Osborn does not remedy the failure of Li to describe or suggest the subject matter of independent claim 1, from which claim 61 depends.

Osborn discloses using cryptographic techniques to prevent tampering with memory in an electronic device. See Osborn at Abstract. Osborn does not disclose storing reference biological information, nor does the Office action contend that Osborn does so. See Office action of May 5, 2005 at page 7, lines 11-17 (stating "Osborn teaches that in cellular telephones, programs are stored in flash memory").

Accordingly, for at least the reasons noted above with respect to the anticipation rejection of independent claim 1, applicant requests reconsideration and withdrawal of the rejection of claim 61.

It is believed that all of the pending issues have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this reply should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this reply, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Applicant submits that all claims are in condition for allowance.

No fee is believed due. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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